

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Pablo I. Rovira; Lars Markwort
Assignee: Nanometrics Incorporated
Title: Pulsed Spectroscopy with Spatially Variable Polarization Modulation Element
Serial No.: 10/027,940 Filing Date: December 19, 2001
Examiner: Hoa Q. Pham Group Art Unit: 2877
Docket No.: NAN027 US Confirmation No.: 2588

Santa Clara, California
February 6, 2006

Mail Stop Issue Fee
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Dear Sir:

In accordance with 37 C.F.R. §1.705(b), Applicant respectfully submits this Application for Patent Term Adjustment. The fee set fourth in §1.18(e) in the amount of \$200.00 is attached hereto.

In the Determination of Patent Term Adjustment dated November 11, 2005, the total adjustment was determined to be 0 days. Applicant submits that the correct patent term adjustment is 550 days. The bases for the adjustment is the United States Patent & Trademark Office's (USPTO) failure to take certain actions within specified time frames, specifically §§1.702(a)(1) and (2).

The following chart sets out the relevant dates and the proper adjustments:

	Date	Time Limit (in months)	Due Date	Time Over	Total
Filing Date	12/19/2001				
Restriction Requirement	10/31/2003	14	2/19/2003	254	254
Response to	12/1/2003	1	1/31/2004	0	254

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Serial No. 10/027,940

Restriction Requirement					
1st Office Action	12/6/2004	4	4/1/2004	339	593
Resp 1st Office Action	3/7/2005	3	6/6/2005	0	593
Final Office Action	6/6/2005	4	7/7/2005	0	593
Resp to Final Office Action	10/19/2005	3	9/6/2005	-43	550
Notice of Allowance	11/10/2005	4	2/19/2006	0	550

Applicant notes that the 1st Office Action was originally mailed on March 2, 2004, however, the USPTO mailed this Office Action to an incorrect mailing address, which was never received by the Applicant. The Examiner issued a Supplemental Office Action to the correct mailing address dated December 6, 2004, restarting the response period. Accordingly, the above chart is believed to be correct.

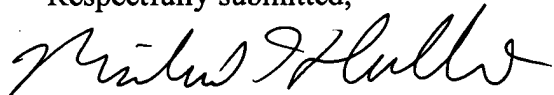
The present application is not subject to a terminal disclaimer.

Applicant has included in the above chart the fact that the Response to the Final Office Action, which was in the form of a Request for Continued Examination, was filed 43 days after the 3 month shortened statutory period for reply.

For the above reasons, Applicant respectfully requests appropriate correction of the Patent Term Adjustment. Should there be any questions concerning this Application for Patent Term Adjustment, please call the undersigned at (408) 982-8202.

**Via Express Mail Label No.
EV 655 768 363 US**

Respectfully submitted,



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